

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

SORRENTO THERAPEUTICS, INC., *et al.*¹

Debtors.

Chapter 11

Case No. 23-90085 (DRJ)

(Jointly Administered)

OFFICIAL COMMITTEE OF EQUITY
SECURITIES HOLDERS,

Plaintiff,

Adversary Proceeding No. 23-03106

v.

BANK OF AMERICA SECURITIES, INC.,
MERRILL, LYNCH, PIERCE FENNER &
SMITH INCORPORATED, J.P. MORGAN
SECURITIES LLC, MORGAN STANLEY &
CO., LLC, PERSHING LLC, NATIONAL
FINANCIAL SERVICES LLC, STATE STREET
BANK AND TRUST COMPANY AND UBS
SECURITIES LLC,

Defendants.

**MERRILL, LYNCH, PIERCE, FENNER & SMITH INCORPORATED'S NOTICE OF
COMPLIANCE AND RESERVATION OF RIGHTS**

Pursuant to this Court's June 14, 2023 Order in the above-captioned adversary proceeding [Adv. Dkt. No. 7] (the "Order"), Merrill, Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch") hereby files the declaration of Robert Moir attached as Exhibit A.² By complying with this Court's Order, Merrill Lynch does not waive any applicable privileges,

¹ The Debtor entities in these chapter 11 cases, along with the last four digits of each Debtor entity's federal tax identification number, are: Sorrento Therapeutics, Inc. (4842) and Scintilla Pharmaceuticals, Inc. (7956). The Debtors' service address is: 4955 Directors Place, San Diego, CA 92121.

² All capitalized terms not herein defined shall have the meanings ascribed to such terms in the *Emergency Application for Temporary Restraining Order and Preliminary Injunctive Relief filed by the Official Committee of Equity Security Holders* [Adv. Dkt. No. 3] (the "Motion").

immunities, or defenses, including defenses to this Court's jurisdiction, or its right to dispute the legal and factual claims asserted by the Equity Committee. For the avoidance of doubt, Merrill Lynch does not consent to the entry of final orders by this Court and reserves all of its rights in that regard, including its right to a jury. Merrill Lynch further reserves the right to amend this notice and the declaration attached hereto as necessary to preserve its rights, to seek any and all relief to which it is entitled, and to object to any further relief sought the Equity Committee.

DATED: June 22, 2023.

Respectfully submitted,

MCGUIREWOODS LLP

/s/ Demetra Liggins

Demetra Liggins
State Bar No. 24026844
845 Texas Tower, Suite 2400
Houston, TX 77002
Telephone: (713) 571-9191
Facsimile: (713) 571-9652
E-mail: dliggins@mcguirewoods.com

-and-

Shawn R. Fox (admitted pro hac vice)
1251 Avenue of the Americas, 20th Floor
New York, NY 10020-1104
Telephone: (212) 548-2100
Facsimile: (212) 548-2150
Email: sfox@mcguirewoods.com

COUNSEL FOR MERRILL, LYNCH, PIERCE, FENNER & SMITH INCORPORATED

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June, 2023, a true and correct copy of the foregoing has been served on all parties entitled to service via this Court's electronic filing system ("ECF").

/s/ Demetra Liggins
Demetra Liggins